

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
 AND ZONING VARIANCE  
 S/S Johnnycake Road, 95 ft. E of \* ZONING COMMISSIONER  
 c/l of Gregory Avenue  
 5617 Johnnycake Road \* OF BALTIMORE COUNTY  
 1st Election District  
 1st Councilmanic District \* Case No. 97-99-SPHA  
 Double T Enterprises, LLC  
 Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Zoning Variance for the property located at 5617 Johnnycake Road in western Baltimore County. The Petition is filed by Double T Enterprises, LLC, property owner. Special hearing relief is requested to approve parking in a residential zone in that the subject site lies entirely within a Residential Transition Area (RTA). Variance relief is requested from Sections 1B01.1.B.1.c and 1B01.1.B.1.e.2 of the Baltimore County Zoning Regulations (BCZR) to permit a 0 ft. buffer and setback for a proposed parking lot, in lieu of the required 50 and 75 ft., respectively, so as to allow parking in an RTA. Variance relief is also requested from Sections 102.2 and 1B02.3.B of the BCZR to permit a rear yard setback of 15 ft., in lieu of the required 30 ft. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

Appearing on behalf of the Petitions was William Tan, principal of Double T Enterprises, LLC. Also present was Herb Patterson and Paul Lee, the engineer who prepared the site. Julie D. Wright, Esquire, represented the Petitioner. Tina Broccolino, who resides adjacent to the property at 5625 Johnnycake Road, also appeared as an interested person.

Testimony and evidence presented was that the subject site contains a net area of .341 acres and is zoned D.R.5.5. The property at issue is a rectangularly shaped lot which fronts Johnnycake Road. Presently, the

MICROFILMED

ORDER FILED  
 Date 10/24/96  
 By M. Donahoe

site is improved with a 1-1/2 story brick dwelling. The property lies near the intersection of Johnnycake Road and Baltimore National Pike. As the site plan indicates, and was confirmed during my site visit, the northwest corner created by this intersection contains a number of separate uses which utilize a shared parking arrangement. The subject property is within this area and the zoning requests which have been presented are generated by the Petitioner's need for more parking.

The property immediately adjacent to the corner created by the intersection of Johnnycake Road and U.S.Route 40 is occupied by the International House of Pancakes Restaurant. To the rear of the restaurant building is a macadam area used for parking. The next adjacent property in a westerly direction on U.S.Route 40 is owned by the Petitioner, Double T Enterprises, LLC. That lot is improved with an existing office building. It is also to be observed that the Petitioner owns a small strip which serves as an access from U.S. Route 40 along the east side of the office building towards the rear parking areas which abut Johnnycake Road. To the rear of the International House of Pancake's restaurant and the office building is a large macadam area which provides parking for these uses.

It is also to be noted that a tire store and fast food restaurant front Baltimore National Pike (U.S.Route 40) in the immediate vicinity. Apparently, all of these uses utilize the parking area which is owned by the Petitioner but is leased to these other businesses to provide parking.

The subject site is located in a unique area. It is sandwiched between two parcels which each provide a macadam parking area surface. This unusual configuration and shared parking arrangement was readily observed during my site inspection, and is more particularly shown on the site plan.

ORDER RECEIVED FOR FILING

Date

By

The Petitioner proposes a two phase utilization of the site to provide additional parking. Phase 1 will be to convert the rear portion of the property to a macadam parking area. This rear portion is bordered on three sides by the existing parking area and it is altogether appropriate to convert this area to meet the parking need. The second phase provides for the razing of the building and construction of additional parking area on the front portion of the property, adjacent to Johnnycake Road.

As to the Petition for Special Hearing, relief is requested in that the proposed parking lot, both Phase 1 and Phase 2, is on property which is zoned D.R.5.5. In my judgment, this relief should be granted. As was made clear during the site visit, the subject property is surrounded on three sides by commercial and business uses, including the office building and macadam parking area. The proposed conversion of the site to a parking lot is entirely appropriate and will not cause any detriment to the health, safety or general welfare of the locale. Thus, the Petition for Special Hearing should be granted.

The zoning variances are driven by the fact that the property is located within an RTA and that insufficient setbacks are available. In my judgment, variance relief should also be granted. The uniqueness of the property and its environs is based upon the use of the surrounding lots. Strict adherence to the setback and buffer requirements of the BCZR would render utilization of the site for parking impossible. In my judgment, the Petitioner has satisfied the practical difficulty test required by Section 307 of the BCZR. Also, as set forth above, there will be no detriment to the surrounding locale.

Lastly, it is to be noted that a comment was received from Development Plans Review Division regarding a proposed restriction to be attached

to the grant of any relief. That restriction calls for the elimination of six spaces and the implementation of landscaping.

As to the Phase 1 portion of the project, this proposed restriction, in my judgment, is inappropriate. Any landscaping of the parking should be done on the front side of the lot, facing Johnnycake Road, so as to buffer the businesses and parking area from residential uses across Johnnycake Road and on Gregory Avenue. Providing landscaping on the rear of the lot would create a small island of green surrounded by a macadam area and business uses. Such landscaping is impractical and inconsistent with existing uses. Thus, I will not require adherence to the recommendation of the Development Plans Review Division as to Phase 1. However, if the Phase 2 construction is ultimately undertaken and the existing dwelling is razed, then a landscape plan in accordance with County standards should be submitted so as to buffer the use from the residential uses across Johnnycake Road. Submission of the landscape plan and approval of same is, therefore, deferred until the Petitioner applies for the requisite razing permit to eliminate the dwelling.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

DATE 10/24/96  
By [Signature]  
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24<sup>th</sup> day of October, 1996 that, pursuant to the Petition for Special Hearing, approval for parking in a residential zone in that the subject site lies entirely within a Residential Transition Area (RTA), be and is hereby GRANTED; and,

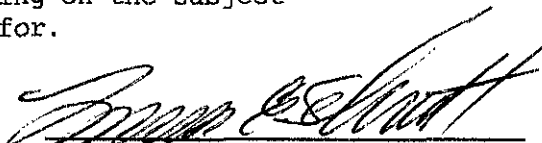
IT IS FURTHER ORDERED that a variance from Sections 1B01.1.B.1.c and 1B01.1.B.1.e.2 of the Baltimore County Zoning Regulations (BCZR) to permit a 0 ft. buffer and setback for a proposed parking lot, in lieu of the

required 50 and 75 ft., respectively, so as to allow parking in an RTA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 and 1B02.3.B of the BCZR to permit a rear yard setback of 15 ft., in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall submit a landscape plan for review and approval by the County's Landscape Architect at the time a razing permit for the dwelling on the subject property is applied for.



LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 24, 1996

Julie D. Wright, Esquire  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance  
Property: 5617 Johnnycake Road  
Case No. 97-99-SPHA

Dear Ms. Wright:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

c: Mr. William Tan, c/o Double T Enterprises,  
5602 Baltimore National Pike, Suite 400, Baltimore, Md. 21228

c: Mr. Paul Lee, 304 W. Pennsylvania Avenue, Towson, Md. 21204

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# Petition for Special Hearing

97-99-SPHA

## to the Zoning Commissioner of Baltimore County

for the property located at # 5617 Johnnycake Road  
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve parking in a residential zone.  
Property lies entirely within the Residential Transition Area.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor: Engineer:  
Paul Lee Engineering, INC.  
(Type or Print Name)  
[Signature]  
Signature  
304 W. Pennsylvania Ave.  
Address  
Towson, Maryland 21204  
City State Zipcode

Attorney for Petitioner:  
Julie D. Wright, Esquire  
(Type or Print Name)  
[Signature]  
Signature  
(410) 832-2000  
Phone No.  
210 W. Pennsylvania Ave  
Address  
Towson, Maryland 21204-4515  
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.  
Legal Owner(s):  
Double T Enterprises LLC  
(Type or Print Name)  
[Signature]  
Signature  
MEMBER & OPERATING MANAGER  
William Tan  
(Type or Print Name)  
[Signature]  
Signature  
5602 Baltimore National Pike  
Suite 400  
Address  
747-7744  
Phone No.  
Baltimore, Maryland 21228  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

Julie D. Wright, Esquire  
Name  
210 W. Pennsylvania Ave. 410-832-2000  
Address Phone No.  
Towson, MD 21204  
City State Zipcode

OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING 2 hr  
unavailable for Hearing  
the following dates \_\_\_\_\_ Next Two Months  
ALL \_\_\_\_\_ OTHER \_\_\_\_\_  
REVIEWED BY: [Signature] DATE 8/29/86



#99



# Petition for Variance

97-99-SPAA

## to the Zoning Commissioner of Baltimore County

for the property located at #5617 Johnnycake Road  
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.1.B.1.c & 1B01.1.B.1.e.2 of the BCZR to permit 0' Buffer & Setback for proposed parking lot in lieu of the required 50' and 75' respectively as shown on the site plan to provide additional parking in the RTA & Section 102.2 & 1B02.3.B to permit a rear yard of 15' in lieu of the required 30' (A Var. of 15').  
Parking Area to be constructed in 2 Phases  
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Engineer:

XXXXXXXXXX  
Contractor/Architect/Engineer

Paul Lee Engineering, Inc.

(Type or Print Name)

Signature

304 W. Pennsylvania Ave.

Address

Towson

City

Maryland

State

21204

Zipcode

Attorney for Petitioner:

Julie D. Wright, Esquire

(Type or Print Name)

Signature

210 W. Pennsylvania Avenue

Address

(410) 832-2000

Phone No.

Towson

City

MD

State

21204-4515

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Double T Enterprises LLC

(Type or Print Name)

Signature

William Tan

(Type or Print Name)

Signature

5602 Baltimore National Pike  
Suite 400

(410) 747-7744

Address

Phone No

Baltimore

City

MD

State

21228

Zipcode

Name, Address and phone number of representative to be contacted.

Julie D. Wright, Esquire

Name

210 W. Pennsylvania Ave.

Address

Phone No.

Towson, MD 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/24/16



Printed with Soybean Ink  
on Recycled Paper



RECEIVED



Paul Lee, P.E.

#99

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5944

97-99-SPHA

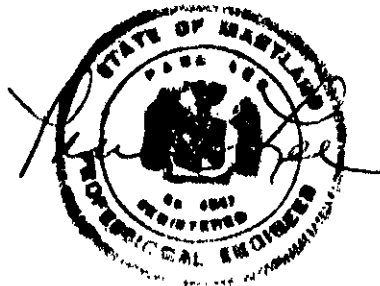
DESCRIPTION

#5617 JOHNNYCAKE ROAD

ELECTION DISTRICT 1C1 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point<sup>on</sup> the south side of Johnnycake Road, said point also being located Southeasterly - 95 feet <sup>±</sup> from the center of Gregory Avenue; thence leaving said south side of Johnnycake Road (1) S 16°56'09" W - 137.18 feet to the north side of an existing 20 foot roadway , thence running with and binding on a portion of said 20 foot roadway (2) N 79°41'00" E - 100.26 feet, thence leaving said north side of the 20 foot roadway (3) N 16°56'09" E - 161.41 feet to the south side of Johnnycake Road, thence binding on the south side of Johnnycake Road by a curve to the right (4) R= 1,648.72 feet for a distance of 100.39 feet to the point of beginning.

Containing 0.341 Acres <sup>±</sup> ( 14,854 S.F. <sup>±</sup> ) of land .



J.O. 95-033  
6/17/96

Engineers — Surveyors — Site Planners

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97-99

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

District: 1st

Date of Posting: 9/22/96

Posted for: CASE 97-99 SORA

Petitioner: DOUBLE T. ENTERPRISES L.L.C.

Location of property: #5617 JOHNNYCAKE RD.

Location of Signer: #5617 JOHNNYCAKE RD.

Remarks:

Posted by: Richard M. Olafson

Signature

Date of return:

Number of Signs: 1

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**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #87-99-SPHA  
(Item 99)

5617 Johnnycake Road  
S/S Johnnycake Road, 95' E  
of 01 Gregory Avenue  
1st Election District  
1st Councilmatic

Legal Owner(s):

Double T Enterprises, LLC

Special Hearing to approve parking in a residential zone. Variance to permit zero foot, buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet, respectively, to permit a rear yard of 15 feet in lieu of the required 30 feet.  
Hearing: Tuesday, October 8, 1996 at 10:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3363.  
(2) For information concerning the file and/or hearing, Please Call 887-3391.

9/19/96 Sept. 19 C83749

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 9-19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-19, 1996

THE JEFFERSONIAN,

*A. H. Erickson*  
LEGAL AD. - TOWSON

UNRECORDED

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. **024820**  
**97-99**

DATE 8/29/96 ACCOUNT 81-615

By: Item 99 AMOUNT \$ 570.00

RECEIVED Substitute Tax for + Proctor - 5617 Vahanyate Rd  
FROM: 020 - Comm Var - \$ 250.00  
040 - Comm Spec. Hwy - \$ 250.00  
080 - Z Signs - \$ 70.00  
570.00

FOR:

**CJ + CSPH +**  
**2 CSF 615**

03A91#0276MICHRC \* \$570.00  
RA 0002138PH08-29-96  
VALIDATION OR SIGNATURE OF CASHIER

DIST. BY: WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**97-99-SPHA**

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirement for advertising is satisfied. However, the petitioner is responsible for the costs associated with this requirement.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) The cost of the sign will be accessed and paid to this office at the time of filing.
- 2) If this petition is filed by a professional, you will be required to post the sign and this office will telephone you when the sign is ready to be picked up.
- 3) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

TO BE TELEPHONED WHEN SIGN IS READY:

JULIE WRIGHT WHITEFORD, TAYLOR & PRESTON 832-20020  
Name Company Phone Number

For newspaper advertising:

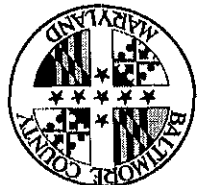
Item No.: 99  
DOUBLE T. ENTERPRISES LLC.  
Petitioner: WILLIAM TAN

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WILLIAM TAN  
ADDRESS: 5602 BALTIMORE NATIONAL PIKE  
SUITE 400  
BALTIMORE, MD. 21228  
PHONE NUMBER: (410) 747-7744

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*[Signature]*  
DIRECTOR

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

*[Signature]*  
BUILDINGS ENGINEER

TO: PUTUXENT PUBLISHING COMPANY

September 19, 1996 Issue - Jeffersonian

Please forward billing to:

William Tan  
Double T Enterprises, LLC  
5602 Baltimore National Pike  
Suite 400  
Baltimore, Maryland 21228  
747-7744

---

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-99-SPHA (Item 99)  
5617 Johnnycake Road  
S/S Johnnycake Road, 95' E of c/l Gregory Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Double T. Enterprises, LLC

Special Hearing to approve parking in a residential zone.  
Variance to permit zero foot buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet respectively; to permit a rear yard of 15 feet in lieu of the required 30 feet.

HEARING: TUESDAY, OCTOBER 8, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 10, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-99-SPHA (Item 99)  
5617 Johnnycake Road  
S/S Johnnycake Road, 95' E of c/l Gregory Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Double T. Enterprises, LLC

Special Hearing to approve parking in a residential zone.  
Variance to permit zero foot buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet respectively; to permit a rear yard of 15 feet in lieu of the required 30 feet.

HEARING: TUESDAY, OCTOBER 8, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Double T Enterprises, LLC  
Julie D. Wright, Esq./Whiteford, Taylor & Preston  
Paul Lee Engineering, Inc.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 2, 1996

Julie D. Wright, Esquire  
210 W. Pennsylvania Avenue  
Towson, MD 21204-4515

RE: Item No.: 99  
Case No.: 97-99-SPHA  
Petitioner: Double T Enterprises

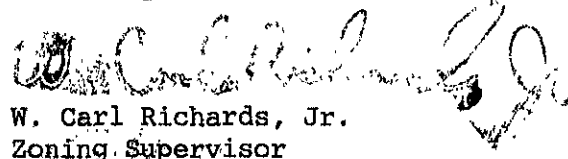
Dear Ms. Wright:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 29, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

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## INTEROFFICE CORRESPONDENCE

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**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

9-10-96

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 099 (MSK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Smail*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Sep 9, 91

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: Sep 9, 91

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

102

103

99

94

100

96

97

RBS:sp

BRUCE2/DEPRM/TXTSBP

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B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** September 17, 1996

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No.99

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey M. Long*

Division Chief:

*Gary L. Kerne*

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 09/19/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 09, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 94, 95, 96, 97, 99, 100,  
101 and 102.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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on Recycled Paper

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BALTIMORE COUNTY PERSONNEL  
RULES AND REGULATIONS

RULE 24 OTHER LEAVES

REGULATION 24.01

All employees requesting military leave to fulfill reserve obligations in the Armed Forces of the United States or in the National Guard of the State of Maryland shall be granted not in excess of fifteen days annually for such purposes. Such leave will not be charged against the employee's earned vacation, and the employee will be paid his full pay during such absence.

REGULATION 24.02

An employee who shall serve as a member of any jury shall be permitted to be absent from his duties during such service without any loss of pay and without charge against any leave credits.

REGULATION 24.03

- A. When an employee suffers a disability resulting from an accident or illness found to be compensable under the State Worker's Compensation Act, said employee may be allowed leave with full pay not to exceed twelve (12) months as approved by the County Administrative Officer. (Bill No. 17, 1990)

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
PETITION FOR VARIANCE \*  
5617 Johnnycake Road, S/S Johnnycake Rd, \* ZONING COMMISSIONER  
95' E of c/l Gregory Avenue \*  
1st Election District, 1st Councilmanic \* OF BALTIMORE COUNTY  
  
Double T. Enterprises, LLC \* CASE NO. 97-99-SPHA  
Petitioner \*  
\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

HR65. 10/8  
CARRY

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Julie D. Wright, Esq., 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MICROFILMED



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JULIE WRIGHT / WHITEFOOT TAYLOR: PISTON

Paul Lee

WILLIAM TAN

HERB PATTERSON

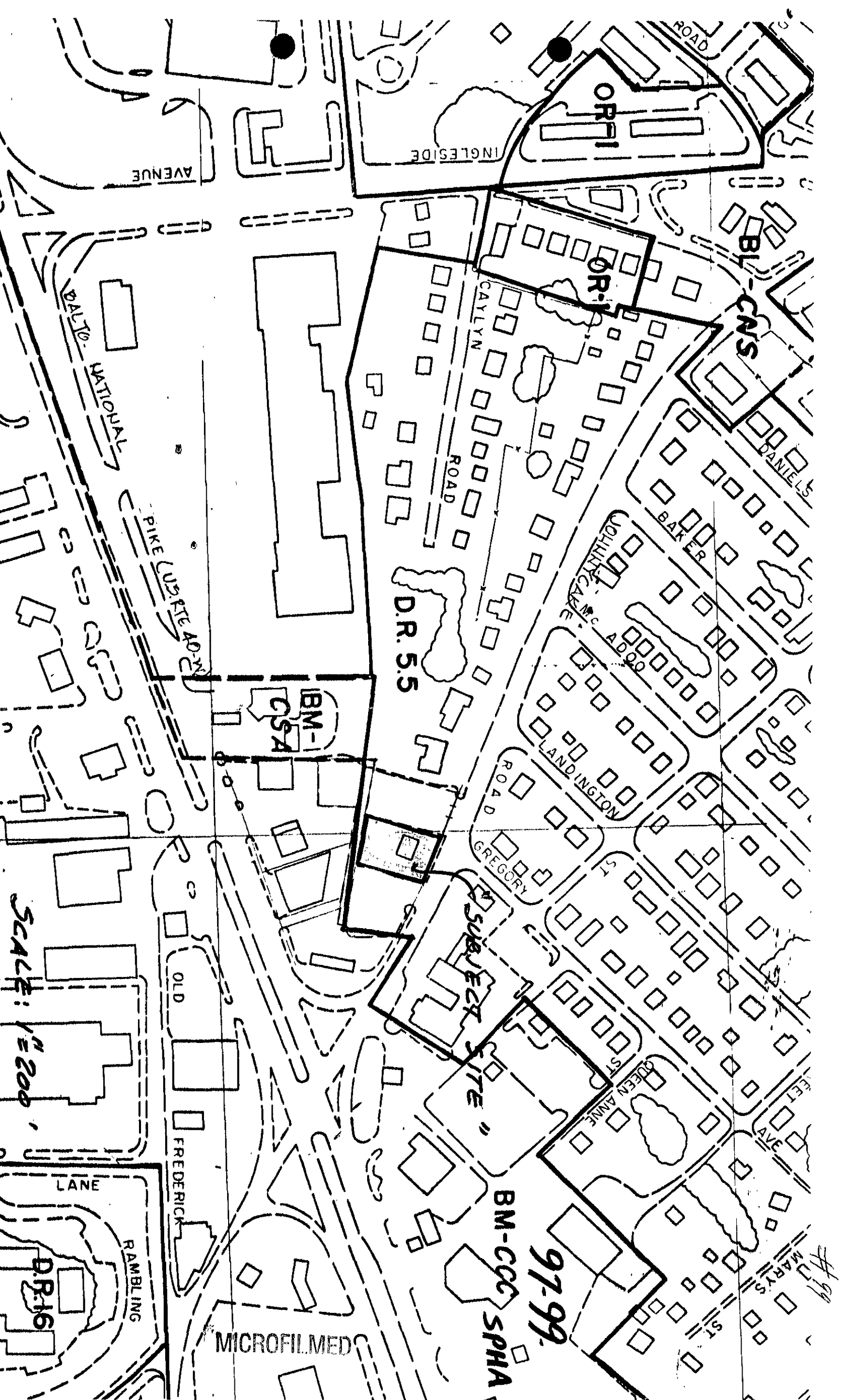
210 W. Pennsylvania Ave 21204

304 W. Pennsylvania Ave 21204

6044 Misty Arch Run, MD 21044

730 MILKED KID RD 21208

MICROFILMED



# WARNING NOTICE

97-99 SPHA

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD.

1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 26

97-99SPHA



\_\_\_\_\_

97-445PHA



BALTIMORE NATI ONAL  
TO BALTIMORE COUNTY DEPT. HAY

U.S. ROUTE 40 N.E.S.

OWNER:  
DOUBLE T ENTERPRISES  
5602 BALTIMORE NATIONAL PIKE  
SUITE 400  
BALTIMORE, MARYLAND 21208



PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

MICROFILMED

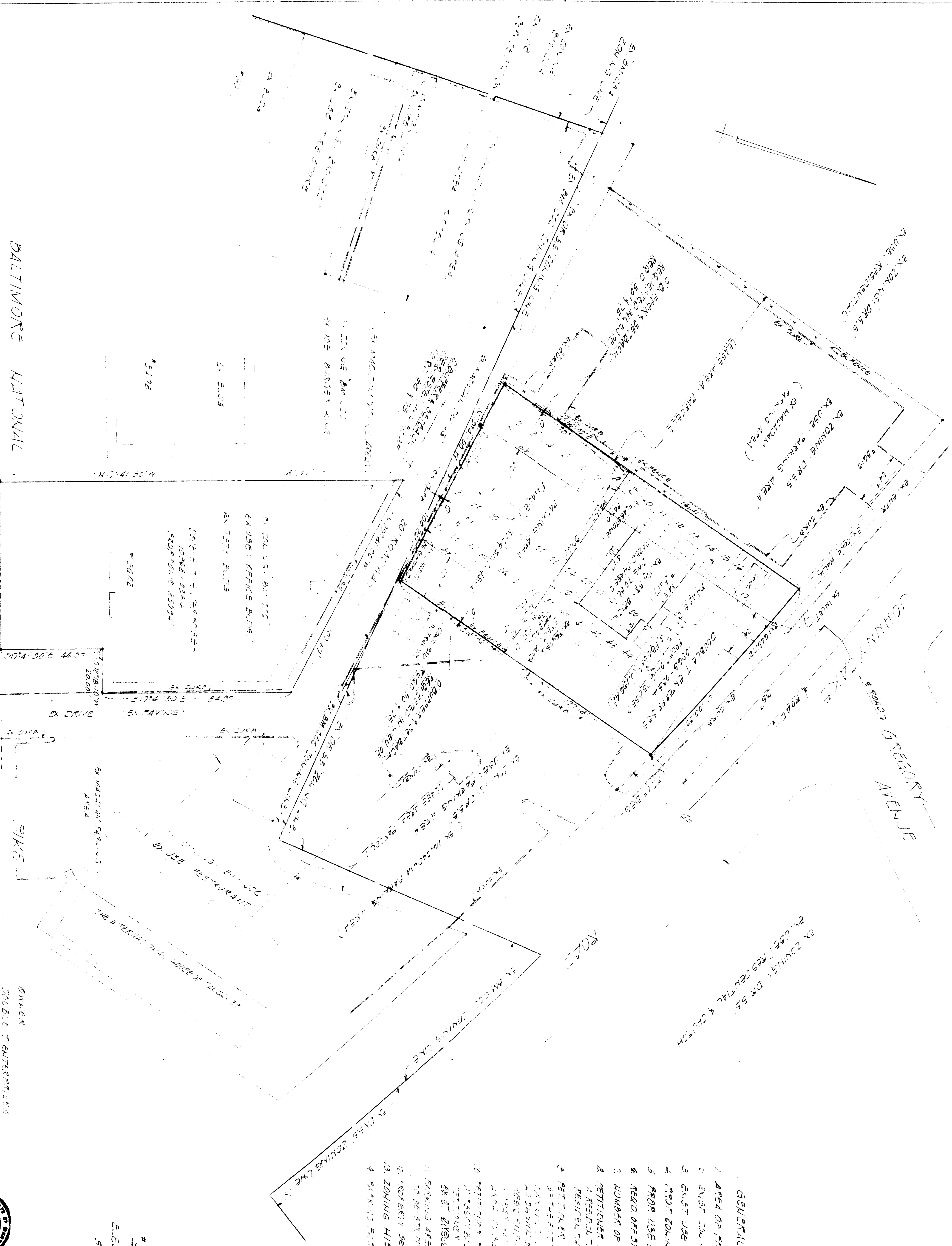
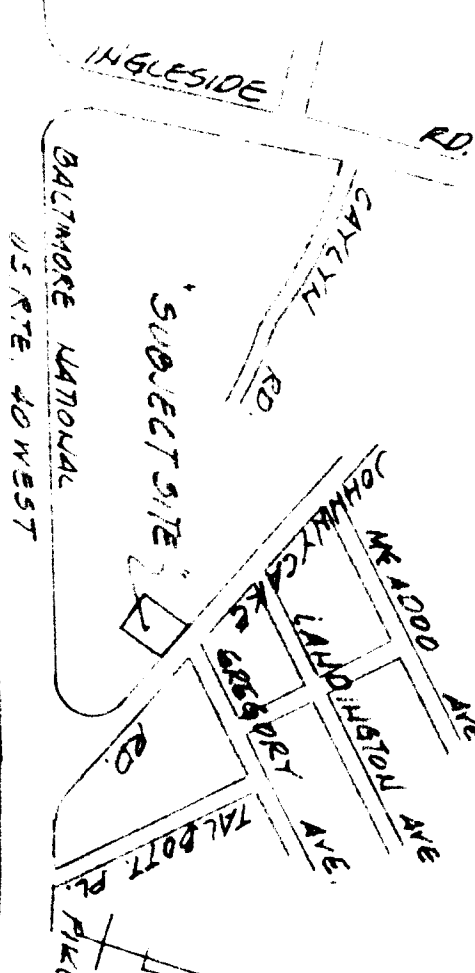
ELECT DIST. IN BALTIMORE COUNTY, MD  
AUG. 6, 1996

# SPECIAL HEARING AND VARIANCES #5017 JOHNNYCAKE ROAD

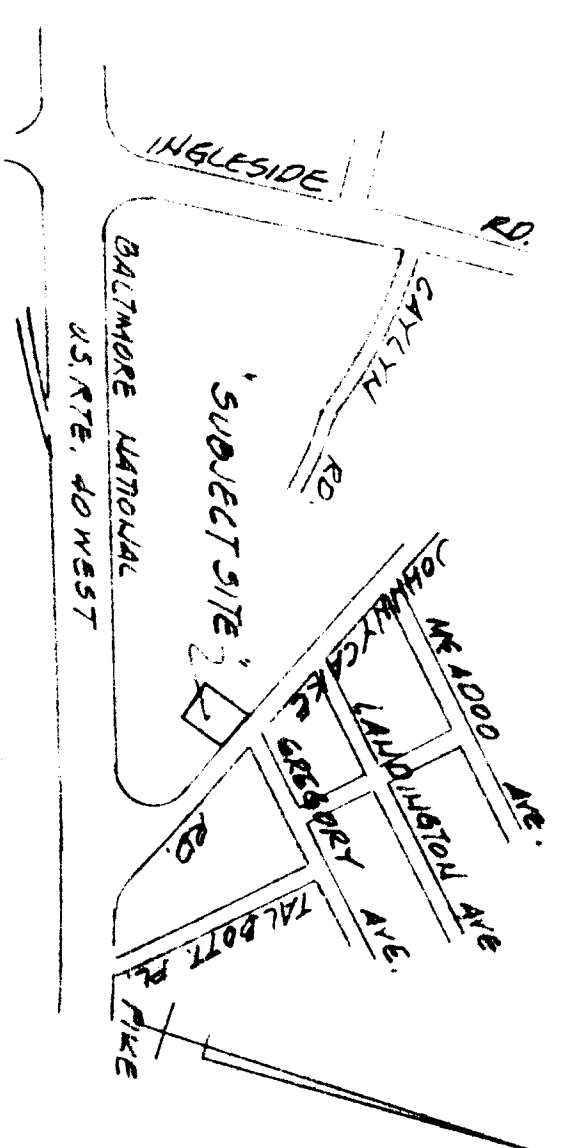
PLAN TO DISCONTINUE REGULATION  
FOR

1. AREA OF PROPERTY: 0.341 AC (3,035.04 SQ. FT.)
2. EXIST. ZONING OF PROPERTY: DR 5.5
3. EXIST. USE OF PROPERTY: "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY: "DR 5.5"
5. PROPOSED USE OF PROPERTY: "RESIDENTIAL & OFFICE PARKING"
6. NUMBER OF PARKING SPACES: 240 (1,211.5 TOTAL - 451.5)
7. PETITIONER REQUESTING A SPECIAL VARIANCE TO PERMIT PARKING IN A RESIDENTIAL ZONE: PROPOSED EXISTING IN THE RESIDENTIAL TRAILSIDE AREA
8. PETITIONER REQUESTING A VARIANCE TO PERMIT PARKING IN A RESIDENTIAL ZONE: PROPOSED EXISTING IN THE RESIDENTIAL TRAILSIDE AREA
9. PETITIONER REQUESTING A VARIANCE TO PERMIT PARKING IN A RESIDENTIAL ZONE: PROPOSED EXISTING IN THE RESIDENTIAL TRAILSIDE AREA
10. PETITIONER REQUESTING A VARIANCE TO PERMIT PARKING IN A RESIDENTIAL ZONE: PROPOSED EXISTING IN THE RESIDENTIAL TRAILSIDE AREA
11. PETITIONER REQUESTING A VARIANCE TO PERMIT PARKING IN A RESIDENTIAL ZONE: PROPOSED EXISTING IN THE RESIDENTIAL TRAILSIDE AREA
12. PETITIONER REQUESTING A VARIANCE TO PERMIT PARKING IN A RESIDENTIAL ZONE: PROPOSED EXISTING IN THE RESIDENTIAL TRAILSIDE AREA
13. ZONING HISTORY: #5017 JOHNNYCAKE ROAD - HOME
14. PARKING SPACES: 240 (1,211.5 TOTAL - 451.5)

LOCATION PLAN  
SCALE: 1"=200'







LOCATION PLAN  
SCALE: 1"=500'

[illegible]

97.99.SPHA

PLAT TO ACCOMPANY PETITION  
FOR

SPECIAL HEARING  
AND VARIANCES

\* 5617 JOHNNYCAKE ROAD  
ELECT DIST 101 BALTIMORE COUNTY, MD.  
SCALE: 1"=20' AUG. 6, 1996

#99

**MICROFILMED**

OWNER:  
DOUBLE T ENTERPRISES  
5602 BALTIMORE NATIONAL PIKE  
SUITE 400  
BALTIMORE, MARYLAND 21228



PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204



IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND ZONING VARIANCE \* ZONING COMMISSIONER  
3/8 Johnnycake Road, 95 ft. E of \*  
c/l of Gregory Avenue \* OF BALTIMORE COUNTY  
5617 Johnnycake Road \*  
1st Election District \* Case No. 97-99-SPHA  
1st Councilmanic District \*  
Double T Enterprises, LLC \*  
Petitioner \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Zoning Variance for the property located at 5617 Johnnycake Road in western Baltimore County. The Petition is filed by Double T Enterprises, LLC, property owner. Special hearing relief is requested to approve parking in a residential zone in that the subject site lies entirely within a Residential Transition Area (RTA). Variance relief is requested from Sections 1B01.1.B.1.c and 1B01.1.B.1.e.2 of the Baltimore County Zoning Regulations (BCZR) to permit a 0 ft. buffer and setback for a proposed parking lot, in lieu of the required 50 and 75 ft., respectively, so as to allow parking in an RTA. Variance relief is also requested from Sections 102.2 and 1B02.3.B of the BCZR to permit a rear yard setback of 15 ft., in lieu of the required 30 ft. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

Appearing on behalf of the Petitions was William Tan, principal of Double T Enterprises, LLC. Also present was Herb Patterson and Paul Lee, the engineer who prepared the site. Julie D. Wright, Esquire, represented the Petitioner. Tina Broccolino, who resides adjacent to the property at 5625 Johnnycake Road, also appeared as an interested person.

Testimony and evidence presented was that the subject site contains a net area of .341 acres and is zoned D.R.5.5. The property at issue is a rectangularly shaped lot which fronts Johnnycake Road. Presently, the

site is improved with a 1-1/2 story brick dwelling. The property lies near the intersection of Johnnycake Road and Baltimore National Pike. As the site plan indicates, and was confirmed during my site visit, the northwest corner created by this intersection contains a number of separate uses which utilize a shared parking arrangement. The subject property is within this area and the zoning requests which have been presented are generated by the Petitioner's need for more parking.

The property immediately adjacent to the corner created by the intersection of Johnnycake Road and U.S. Route 40 is occupied by the International House of Pancakes Restaurant. To the rear of the restaurant building is a macadam area used for parking. The next adjacent property in a westerly direction on U.S. Route 40 is owned by the Petitioner, Double T Enterprises, LLC. That lot is improved with an existing office building. It is also to be observed that the Petitioner owns a small strip which serves as an access from U.S. Route 40 along the east side of the office building towards the rear parking areas which abut Johnnycake Road. To the rear of the International House of Pancakes restaurant and the office building is a large macadam area which provides parking for these uses. It is also to be noted that a tire store and fast food restaurant front Baltimore National Pike (U.S. Route 40) in the immediate vicinity. Apparently, all of these uses utilize the parking area which is owned by the Petitioner but is leased to these other businesses to provide parking. The subject site is located in a unique area. It is sandwiched between two parcels which each provide a macadam parking area surface. This unusual configuration and shared parking arrangement was readily observed during my site inspection, and is more particularly shown on the site plan.

- 2 -

The Petitioner proposes a two phase utilization of the site to provide additional parking. Phase 1 will be to convert the rear portion of the property to a macadam parking area. This rear portion is bordered on three sides by the existing parking area and it is altogether appropriate to convert this area to meet the parking need. The second phase provides for the razing of the building and construction of additional parking area on the front portion of the property, adjacent to Johnnycake Road.

As to the Petition for Special Hearing, relief is requested in that the proposed parking lot, both Phase 1 and Phase 2, is on property which is zoned D.R.5.5. In my judgment, this relief should be granted. As was made clear during the site visit, the subject property is surrounded on three sides by commercial and business uses, including the office building and macadam parking area. The proposed conversion of the site to a parking lot is entirely appropriate and will not cause any detriment to the health, safety or general welfare of the locale. Thus, the Petition for Special Hearing should be granted.

The zoning variances are driven by the fact that the property is located within an RTA and that insufficient setbacks are available. In my judgment, variance relief should also be granted. The uniqueness of the property and its environs is based upon the use of the surrounding lots. Strict adherence to the setback and buffer requirements of the BCZR would render utilization of the site for parking impossible. In my judgment, the Petitioner has satisfied the practical difficulty test required by Section 307 of the BCZR. Also, as set forth above, there will be no detriment to the surrounding locale.

Lastly, it is to be noted that a comment was received from Development Plans Review Division regarding a proposed restriction to be attached

- 3 -

to the grant of any relief. That restriction calls for the elimination of six spaces and the implementation of landscaping.

As to the Phase 1 portion of the project, this proposed restriction, in my judgment, is inappropriate. Any landscaping of the parking should be done on the front side of the lot, facing Johnnycake Road, so as to buffer the businesses and parking area from residential uses across Johnnycake Road and on Gregory Avenue. Providing landscaping on the rear of the lot would create a small island of green surrounded by a macadam area and business uses. Such landscaping is impractical and inconsistent with existing uses. Thus, I will not require adherence to the recommendation of the Development Plans Review Division as to Phase 1. However, if the Phase 2 construction is ultimately undertaken and the existing dwelling is razed, then a landscape plan in accordance with County standards should be submitted so as to buffer the use from the residential uses across Johnnycake Road. Submission of the landscape plan and approval of same is, therefore, deferred until the Petitioner applies for the required site razing permit to eliminate the dwelling.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 31<sup>st</sup> day of October, 1996 that, pursuant to the Petition for Special Hearing, approval for parking in a residential zone in that the subject site lies entirely within a Residential Transition Area (RTA), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 1B01.1.B.1.c and 1B01.1.B.1.e.2 of the Baltimore County Zoning Regulations (BCZR) to permit a 0 ft. buffer and setback for a proposed parking lot, in lieu of the

- 4 -

required 50 and 75 ft., respectively, so as to allow parking in an RTA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 and 1B02.3.B of the BCZR to permit a rear yard setback of 15 ft., in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall submit a landscape plan for review and approval by the County's Landscape Architect at the time a razing permit for the dwelling on the subject property is applied for.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmm

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 24, 1996

Julie D. Wright, Esquire  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance  
Property: 5617 Johnnycake Road  
Case No. 97-99-SPHA

Dear Ms. Wright:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,  
*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm

- att: Mr. William Tan, c/o Double T Enterprises,  
5602 Baltimore National Pike, Suite 400, Baltimore, Md. 21228
- c: Mr. Paul Lee, 304 W. Pennsylvania Avenue, Towson, Md. 21204

## Petition for Special Hearing 97-99-SPHA to the Zoning Commissioner of Baltimore County for the property located at # 5617 Johnnycake Road which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 302.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve parking in a residential zone. Property lies entirely within the Residential Transition Area.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Engineer: Engineer:

Paul Lee Engineering, Inc.

Double T Enterprises LLC

Signature: *Paul Lee*

William Tan

304 W. Pennsylvania Ave.

Towson, Maryland 21204

City State Zipcode

Attorney for Petitioner:

Julie D. Wright, Esquire

210 W. Pennsylvania Ave.

Towson, Maryland 21204

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: 8/21/96

REVIEWED BY: *mm* DATE: 8/21/96

## Petition for Variance 97-99-SPHA to the Zoning Commissioner of Baltimore County for the property located at # 5617 Johnnycake Road which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1B01.1.B.1.c & 1B01.1.B.1.e.2 of the BCZR to permit 0' Buffer & Setback for proposed parking lot in lieu of the required 50' and 75' respectively as shown on the site plan to provide additional parking in the RTA & Section 102.2 & 1B02.3.B to permit a rear yard of 15 ft. in lieu of the required 30' (A var. of 15 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Engineer:

Paul Lee Engineering, Inc.

Double T Enterprises LLC

Signature: *Paul Lee*

William Tan

304 W. Pennsylvania Ave.

Towson, Maryland 21204

City State Zipcode

Attorney for Petitioner:

Julie D. Wright, Esquire

210 W. Pennsylvania Avenue

Towson, MD 21204-4515

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: 8/21/96

REVIEWED BY: *mm* DATE: 8/21/96

- 5 -



Paul Lee P.E.

Paul Lee Engineering Inc.  
308 W. Pennsylvania Ave.  
Towson, Maryland 21204  
410-521-5341

97-99-SPHA

DESCRIPTION

#5617 JOHNNYCAKE ROAD  
ELECTION DISTRICT 1C1 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Johnnycake Road, said point also being located Southeastly - 95 feet ± from the center of Gregory Avenue; thence leaving said south side of Johnnycake Road (1) S 16°56'09" W - 137.18 feet to the north side of an existing 20 foot roadway, thence running with and binding on a portion of said 20 foot roadway (2) N 79°41'00" E - 100.26 feet, thence leaving said north side of the 20 foot roadway (3) N 16°56'09" E - 161.41 feet to the south side of Johnnycake Road, thence binding on the south side of Johnnycake Road by a curve to the right (4) R= 1,648.72 feet for a distance of 100.39 feet to the point of beginning.

Containing 0.341 Acres ± ( 14,854 S.F. ± ) of land .



J.O. 95-033  
6/17/96

Engineers - Surveyors - Site Planners

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st  
Posted for: CASE 97-99 SPHA  
Petitioner: DOUBLE T ENTERPRISES L.L.C.  
Location of property: #5617 JOHNNYCAKE RD.  
Location of Sign: #5617 JOHNNYCAKE RD.  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-19, 1996.

THE JEFFERSONIAN,  
A. Henrickson  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case #97-99-SPHA  
5617 Johnnycake Road  
S/E of c/1 Gregory Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Double T Enterprises, LLC  
Special Hearing to approve parking in a residential zone.  
Variance to permit zero foot buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet respectively; to permit a rear yard of 15 feet in lieu of the required 30 feet.  
Hearing Tuesday, October 8, 1996 at 10:00 a.m. in Room 118, Old Courthouse.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible. No special accommodations.  
Please call 867-3353.  
(2) For information concerning the file and/or hearing, please call 867-3391.  
9796 Jan 19 032749



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

97-99-SPHA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirement for advertising is satisfied. However, the petitioner is responsible for the costs associated with this requirement.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) The cost of the sign will be assessed and paid to this office at the time of filing.
- 2) If this petition is filed by a professional, you will be required to post the sign and this office will telephone you when the sign is ready to be picked up.
- 3) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

TO BE TELEPHONED WHEN SIGN IS READY:

Name: JULIE D. WRIGHT Company: WHITEHEAD TAYLOR & PRESTON Phone Number: 833-2600

For newspaper advertising:

Item No.: 99  
Petitioner: DOUBLE T ENTERPRISES L.L.C.  
NAME: WILLIAM TAN

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WILLIAM TAN  
ADDRESS: 5617 BALTIMORE NATIONAL PIKE  
SUITE 400  
BALTIMORE, MD 21228

PHONE NUMBER: (410) 747-7244

Printed with Soybean Ink



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 10, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-99-SPHA (Item 99)  
5617 Johnnycake Road  
S/E Johnnycake Road, 95' E of c/1 Gregory Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Double T Enterprises, LLC

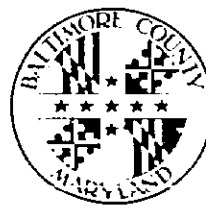
Special Hearing to approve parking in a residential zone.  
Variance to permit zero foot buffer and setback for proposed parking lot in lieu of the required 50 feet and 75 feet respectively; to permit a rear yard of 15 feet in lieu of the required 30 feet.

HEARING: TUESDAY, OCTOBER 8, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: Double T Enterprises, LLC  
Julie D. Wright, Esq./Matusford, Taylor & Preston  
Paul Lee Engineering, Inc.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 2, 1996

Julie D. Wright, Esquire  
210 M. Pennsylvania Avenue  
Towson, MD 21204-4515

RE: Item No.: 99  
Case No.: 97-99-SPHA  
Petitioner: Double T Enterprises

Dear Ms. Wright:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 29, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (867-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management  
FROM: Robert W. Bowling, Chief  
Development Plans Review Division  
SUBJECT: Zoning Advisory Committee Meeting  
(for September 16, 1996)  
Item No. 099

The Development Plans Review Division has reviewed the subject zoning item. If request is granted, release of the grading permit will be subject to conformance with the Baltimore County Landscape Manual. Seven percent of the interior of the parking lot must be reserved for landscaping. Existing excess paving must be removed.

Parking spaces 1, 2, 30, 31, 32 and 33 should be eliminated.

RWB:HJO:jrb

cc: File

ZONE26B



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 099 (MSK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



TO: PDM

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: Sep 9, 91

DATE: Sep 9, 91

Item #'s:

102	103
99	94
100	
96	
97	

BL. CANS

BL. CANY

CALVIN ROAD

AVENUE

PIKE (US FTE AD)

BALTO. NATIONAL

OLD FREDERICK

RAMBLING LANE

D.R. 55

D.R. 16

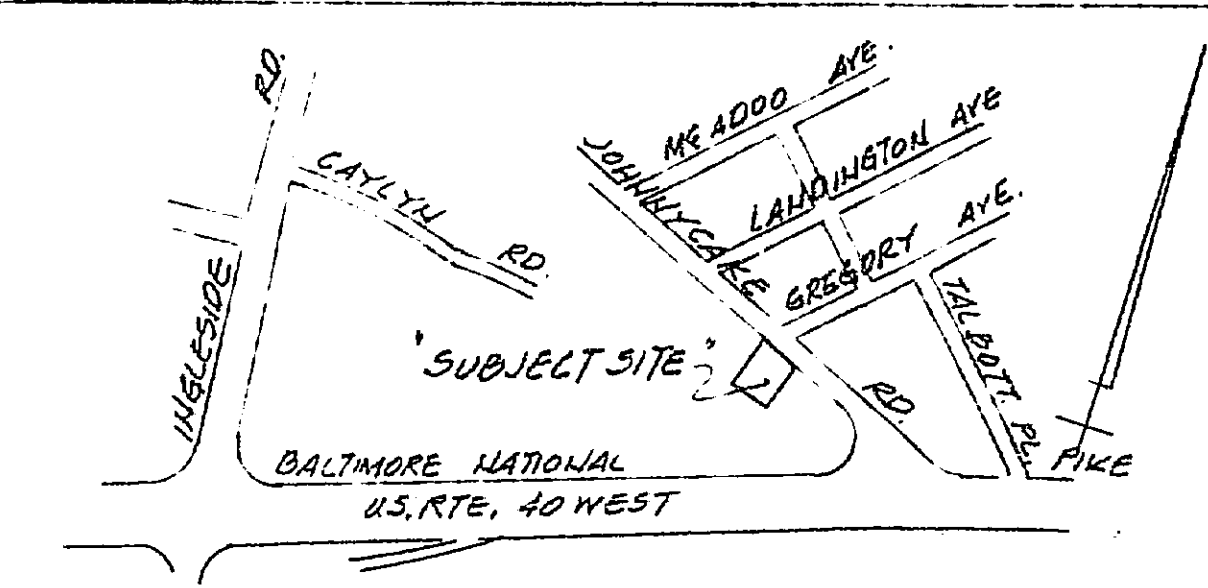
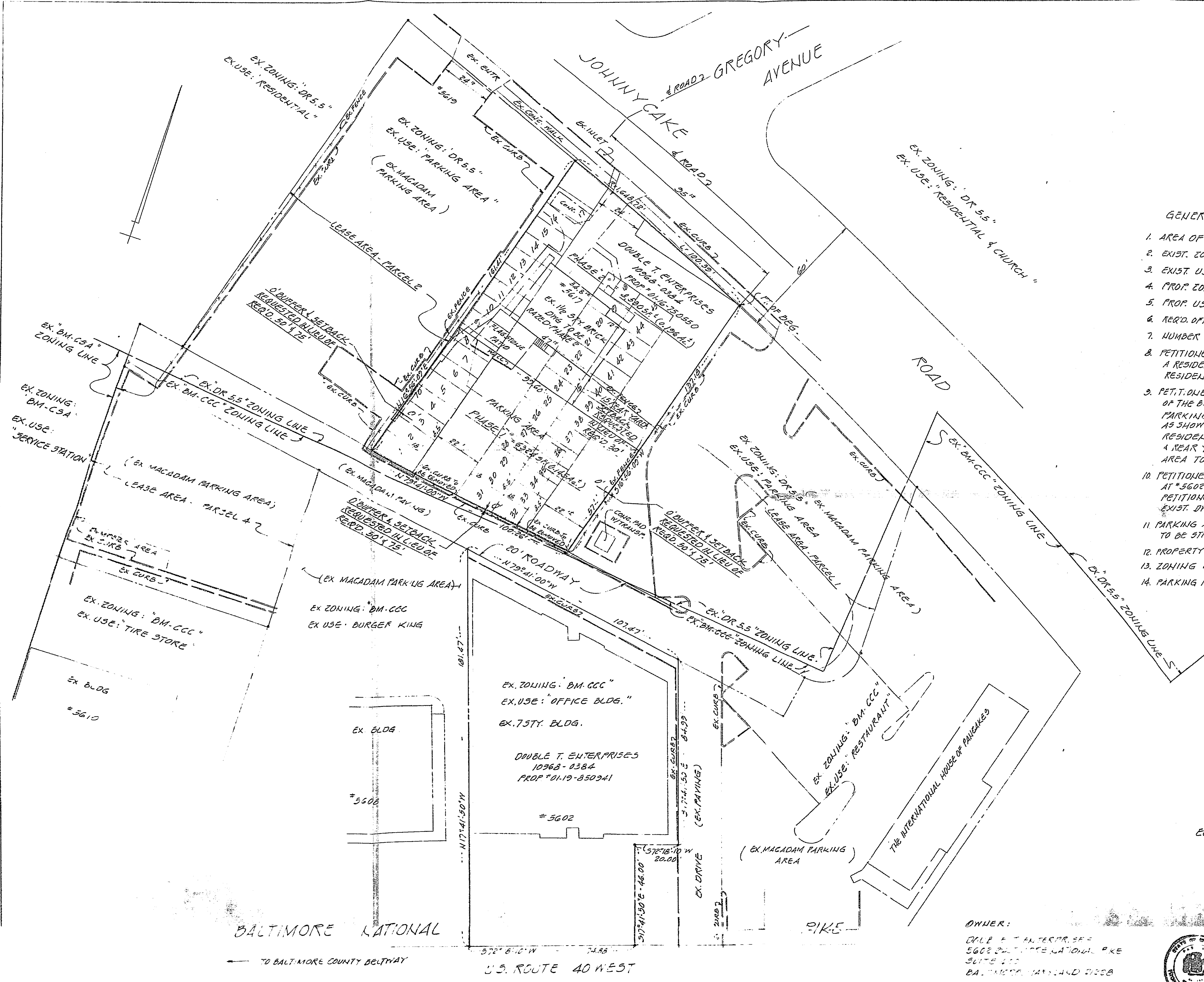
D.R. 15

SUBJECT SITE

BM-CCC SPHA

SCALE: 1"=200'





LOCATION PLAN  
SCALE: 1"=500'

GENERAL NOTES:

1. AREA OF PROPERTY = 0.341 AC. (GRASS = 0.410 AC.)
2. EXIST. ZONING OF PROPERTY = "DR 5.5"
3. EXIST. USE OF PROPERTY = "RESIDENTIAL"
4. PROP. ZONING OF PROPERTY = "DR 5.5"
5. PROP. USE OF PROPERTY = "RESIDENTIAL" & "OFFICE PARKING"
6. REQ'D. OFF STREET PARKING = RESIDENTIAL (2)
7. NUMBER OF PARKING SPACES SHOWN = PHASE 1 = 218, TOTAL = 458.
8. PETITIONER REQUESTING A SPECIAL HEARING TO PERMIT PARKING IN A RESIDENTIAL CONE. PROPERTY LIES ENTIRELY WITHIN THE RESIDENTIAL TRANSITION AREA.
9. PETITIONER REQUESTING A VARIANCE TO SECT. 180.1.1, B.1.C. & 180.1.1, B.1.C.2 OF THE BCZR TO PERMIT 0' BUFFER AND SETBACK FOR PROPOSED PARKING LOT IN LIEU OF THE REQUIRED 50' AND 25' RESPECTIVELY AS SHOWN ON THE SITE PLAN TO PROVIDE ADDITIONAL PARKING IN THE RESIDENTIAL TRANSITION AREA AND SECT. 180.2.2 & 180.2.3.5 TO PERMIT A REAR YARD OF 15' IN LIEU OF THE REQUIRED 30' (A VAR. OF 15'). PARKING AREA TO BE CONSTRUCTED IN 2 PHASES.
10. PETITIONER PRESENTLY LEASES OFF STREET PARKING FOR HIS OFFICE BLDG. AT 5602 BALTIMORE NATIONAL PIKE ON RECORDED LEASE AREA PARCELS 124. PETITIONER PROPOSES TO CONSTRUCT NEW PARKING AREA IN 2 PHASES. EXIST. DWELLING TO BE RAZED IN PHASE 2.
11. PARKING AREA TO BE DURABLE AND DUSTLESS SURFACE. PARKING SPACES TO BE STRIPPED AS SHOWN.
12. PROPERTY SERVED BY PUBLIC UTILITIES.
13. ZONING HISTORY: \*5617 JOHNNYCAKE ROAD - NONE
14. PARKING FACILITY SHALL BE SUBJECT TO SECT. 489.8.D.2 OF BCZR.

# 97.99.SPHA

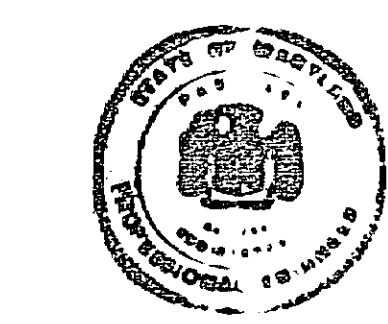
PLAT TO ACCOMPANY PETITION  
FOR

SPECIAL HEARING  
AND VARIANCES

#5617 JOHNNYCAKE ROAD  
ELECT. DIST. 1C1 BALTIMORE COUNTY, MD.  
SCALE: 1"=20' AUG. 6, 1996

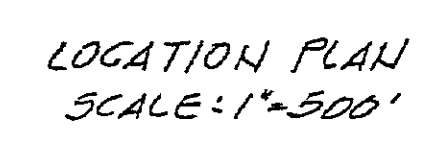
#99

OWNER:  
DALE F. ENTERPRISES  
5602 BALTIMORE NATIONAL PIKE  
SUITE 100  
BALTIMORE, MARYLAND 21204



WILLIAM LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204





- PLAT TO ACCOMPANY PETITION  
FOR  
SPECIAL HEARING  
AND VARIANCES  
617 JOHNNYCAKE ROAD

OK No 1

WILLIAMS ENGINEERING, INC  
312 KENTUCKY AVENUE  
TOWSON, MARYLAND 21204

TO 95-033